

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)

Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations,)
(Fremont and Holton, Michigan))

MM Docket No. 98-180
RM - 9365

RECEIVED

To: Chief, Allocations Branch
Policy & Rules Division, Mass Media Bureau

NOV 18 1998

FEDERAL COMMUNICATIONS COMMISSION
DEPT. OF THE SECRETARY

**COMMENTS & STATEMENT OF CONTINUING INTEREST
OF
NOORDYK BROADCASTING, INC.**

Noordyk Broadcasting, Inc. ("Noordyk"), by Counsel, pursuant to Paragraph No. 2 of the Appendix to the *Notice of Proposed Rule Making (DA 98-1956, released October 2, 1998) ("NPRM")*, and hereby respectfully submits these Comments & Statement of Continuing Interest in the above-captioned Rule Making proceeding. In support hereof, Noordyk submits the following:

Preliminary Statement

1. On October 2, 1998 the Commission, in response to a petition filed by Noordyk, released the NPRM wherein it proposed to amend §73.202(b) of the Rules, Table of Allotments, as follows:

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List ABCDE

| <u>City / State</u> | <u>Existing</u> | <u>Proposed</u> |
|---------------------|-----------------|-----------------|
| Fremont, Michigan | 261A | --- |
| Holton, Michigan | --- | 261A |

2. Noordyk is the Licensee of Radio Stations WSHN-AM and WSHN-FM at Fremont, Michigan. Noordyk proposes the reallocation of Channel 261A from Fremont to Holton, Michigan, and the modification of the WSHN-FM license to specify Holton as its community of license so that WSHN-FM can better serve the public through the most efficient use of its frequency. The reallocation of Channel 261A to Holton, Michigan would provide that community with its first local aural service. Noordyk would continue to provide local aural service to Fremont, Michigan through Radio Station WSHN-AM.

3. In its original Petition, Noordyk submitted a Technical Statement to demonstrate that Channel 261A may be reallocated to Holton, Michigan in compliance with §73.213(c) and §73.207 spacing requirements to all other applicable facilities, at the present WSHN-FM transmitting site.

The Proposed Allotment Is In The Public Interest

4. The public interest would be served by adopting the proposed reallocation. Acceptance of this Petition and the modification of the WSHN-FM license to specify Holton as its community of license is in the public interest.

Presently, Noordyk does not operate WSHN-FM at maximum 3 kilowatt facilities. In order to provide the requisite service to Holton, Noordyk will have to increase operating power for WSHN-FM to maximum 3 kilowatt facilities. Thus, the reallocation of Channel 261A to Holton, Michigan will permit WSHN-FM to increase its areas and population of service from 40,218 persons within 1,590.7 square kilometers to 43,146 persons within 1,828.7 square kilometers at its present site. Furthermore, this proposal provides first local aural service to the community of Holton, without depriving Fremont of any local aural service since Noordyk would continue to operate WSHN-AM at Fremont./¹

Statement Of Continuing Interest

5. Noordyk hereby states that, upon the Commission's adoption of the proposal and reallocation of Channel 261A from Fremont, Michigan to Holton, Michigan, Noordyk will file an application for modification of the WSHN-FM license to increase the height of the WSHN-FM antenna's center of radiation while specifying Holton as its community of license.

Conclusion

WHEREFORE, the above premises considered, Noordyk respectfully urges that the Commission to AMEND § 73.202(b) of the Commission's Rules, FM

¹ And, since Noordyk would continue to provide 1 mV/m service of WSHN-FM to the community of Fremont, the reallocation of Channel 261A to Holton would not have any real effect on the number of aural reception services provided to Fremont.

Table of Allotments, as follows:

| <u>City / State</u> | <u>Existing</u> | <u>Proposed</u> |
|---------------------|-----------------|-----------------|
| Fremont, Michigan | 261A | --- |
| Holton, Michigan | --- | 261A |

Respectfully submitted,

NOORDYK BROADCASTING, INC.

By: 
Cary S. Tepper

Its Attorney

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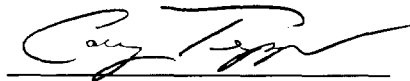
(202) 686-9600

November 18, 1998

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 18th day of November, 1998, I have served a copy of the foregoing "**Comments & Statement of Continuing Interest of Noordyk Broadcasting, Inc.**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
2000 M Street, N.W.; Room 544
Washington, D.C. 20554

A handwritten signature in cursive script, appearing to read 'Cary Tepper', written over a horizontal line.

Cary S. Tepper, Esq.

*/ indicates delivery by hand